

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN INSOLVENCY
NOTICE OF MOTION NO.39 OF 2007
IN
INSOLVENCY PETITION NO.114 OF 2002

Re: Nayan P. Shah ... Insolvent

Exparte:

Mansukhlal Chimanlal Shah ...Petitioning
Creditor.

Mr.S.U.Kamdar i/b.Mr.N.M.Shah for the insolvent.

Mr.P.G.Desai for the petitioning creditor.

Mr.Y.C.Parikh, Official Assignee present.

CORAM : ANOOP V. MOHTA,J.

DATED : 3rd April, 2007

P.C.

The learned counsel appearing for the insolvent makes a statement, on instructions, that the amount which is reported as shortfall i.e. Rs.5,26,465/-, will be deposited in court through his well wisher with the Official Assignee, within two days. The learned counsel appearing for the petitioning creditor has no objection.

2. Taking into consideration the report of the Official Assignee and the statement made by the learned counsel for the insolvent, I am inclined to grant this notice of motion in terms of prayers (a) and (b) which read thus:

(a) That against the order of adjudication viz. passed Nayan

Premchand Shah herein, by the Hon'ble the
 Insolvency Court on 19th August 2003 may
 be annulled under Section 21(1) of the
 Presidency Town; Insolvency, Act, 1909
 on the ground of full payment.

- (b) That the public examination of the
 insolvent Nayan Premchand Shah herein be
 ordered to be dispensed with by this
 Hon'ble Court.

[ANOOP V. MOHTA,J.]